

REMARKS

Claims 1-20 are currently pending in the application. Claims 1, 10, and 15 are independent claims, and claims 2-9, 11-14, and 16-20, respectively, depend from independent claims 1, 10, and 15. Claims 1-20 have been rejected. The Applicants respectfully request reconsideration of claims 1-20 in light of the following remarks.

In paragraph 2, on page 2 of the Office Action, claims 1-4, 6-7, and 9-20 were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent 4,910,794 (Mahany) in view of US Patent 4,850,032 (Freeburg). In paragraph 3, on page 6 of the Office Action, claims 5 and 8 were rejected under 35 U.S.C. § 103(a) as being unpatentable over the proposed combination of Mahany and Freeburg, and further in view of U.S. Patent 5,181,200 (Harrison). The Applicants respectfully traverse the rejections for the reasons set forth below.

The Applicants' present representatives have just recently received the file as a result of a change in the assignment/ownership of the present application. Thus, the Applicants have amended the specification by adding a chain of priority from the present application back to U.S. Patent number 4,910,794 (Mahaney), which issued on March 20, 1990, and which is currently being applied as a reference against the Applicants' claimed invention in the instant Office Action. The Applicants respectfully submit that Mahaney is a listed inventor in each of the applications set forth in the chain of priority. The Applicants also respectfully assert that the present application is co-pending with U.S. Patent Application 10/057,816, which was filed on January 24, 2002, shares at least the common inventor (Mahaney), and shares common assignment/ownership. The Applicants respectfully assert that for the reasons set forth above, U.S. Patent number 4,910,794 (Mahaney) is ineligible to be applied as a reference against the present patent application.

Therefore, because the ineligible Mahany reference is the base reference in the proposed combination of references applied against the Applicants' claimed invention, Applicants respectfully assert that each of the proposed combination of references is also overcome. Therefore, claims 1-20 are allowable over the proposed combination of references. Applicants respectfully request that rejections be withdrawn and the application passed to issue.

Further, it has also just come to our attention that the claims in the current application are similar in at least some respects to claims submitted in earlier applications in the chain of priority, i.e., U.S. Patent Application serial number 08/277,944 filed on June 24, 1994, now abandoned, and U.S. Patent Application serial number 08/486,083 filed on June 7, 1995, now U.S. Patent 5,844,893 issued on December 1, 1998 incorporated by reference.

The claims in the earlier application were rejected by a different examiner. Specifically, those claims were rejected under 35 U.S.C. § 102(b) over Kaufman et al., US Patent 4,984,247, which is currently being made of record in the present application. However, those rejections were overcome and the application was passed to issue. Applicants' representatives disagreed with those rejections at that time and further submit that the current examiner is correct in not reciting a similar rejection in the instant application. However, the reference (Kaufman) is being submitted in an IDS under separate cover and attached herewith. Applicants respectfully request that the above named reference be inspected by the Examiner and made a part of the record.


CONCLUSION

In view of the foregoing, it is respectfully submitted that the pending claims define allowable subject matter. If the Examiner disagrees or has any questions, Applicants invite the Examiner to contact the undersigned at the telephone number listed below to discuss the advancing prosecution in the application and/or passing the claims to issue.

Please charge any required fees not provided herewith or credit any overpayment to the deposit account of McAndrews, Held & Malloy, Account No. 13-0017.

Dated: December 30, 2003

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Fredrick T. French III', is written over a horizontal line.

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